

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CASE NO. S1 15-CR-378 PGG**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**FREDY RENAN NAJERA MONTOYA,**

**Defendant.**

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**COUNSEL'S THIRD MOTION TO WITHDRAW AS COUNSEL OF  
RECORD**

The undersigned, **Victor E. Rocha, Esquire**, and **Philip R. Horowitz, Esquire** and respectfully move this Honorable Court, pursuant to Local Rules of the U.S. District Court for the Southern District of New York 1.4, to enter an Order allowing the counsel, Victor E. Rocha, Esquire and Philip R. Horowitz, Esquire, to withdraw as counsel of record for the Defendant, and in support thereof, state and aver as follows:

1. On September 19, 2018, Attorney, Victor E. Rocha filed his initial Motion to Withdraw as Attorney for the Defendant herein (D.E. 35). On October 31, 2018, this Honorable Court denied Counsel's Motion to Withdraw as counsel of record for the Defendant herein (D.E. 44).

2. At the Status Conference held on this matter on December 7, 2018, the undersigned reviewed Ore-Tenus, his motion to withdraw as attorney for the Defendant.

This Honorable Court denied said request.

3. Attorney Philip R. Horowitz was admitted Pro Hac Vice as co-counsel for the Defendant on December 6, 2018. (D.E. 78)

4. On December 10, 2018, after the Defendant plead guilty to Counts I and II of the Superseding Indictment herein and made it abundantly clear that he no longer wished to have the undersigned and Mr. Horowitz represent him, the undersigned on his own and on behalf of Mr. Horowitz, requested Ore-Tenus that both counsel be permitted to withdraw from the representation of the Defendant.

5. The Court requested counsel to wait two weeks before filing a re-newed Motion to Withdraw as Counsel for the Defendant. The two-week period expired on December 24, 2018 and the Defendant has yet to hire new counsel, as he represented to the Court that he would do within the two-week time period. No attorney has filed a Motion for Substitution of Counsel as of the writing of this motion. Consequently, the undersigned hereby files his Motion to Withdraw as Counsel of Record for the Defendant on his own and on behalf of Philip R. Horowitz.

6. The undersigned counsel has communicated with Assistant United States Attorney Emil Bove, who has no objection to the request made herein.

Respectfully Submitted,

/s/ Victor E. Rocha, Esq.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that this document has been filed with the Clerk of Court using the CM/ECF Filing System on this 26<sup>TH</sup> day of December 2018.

**LAW OFFICES OF VICTOR E. ROCHA, P.A.**  
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By: /s/ Victor E. Rocha, Esquire  
**VICTOR E. ROCHA, ESQUIRE**  
**NEW YORK BAR NO.: VR9648**